

ENTERED

September 05, 2024

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

MARCO A. CANTU,

Plaintiff,

v.

GUERRA & MOORE, LTD, LLP,

Defendant.

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Civil Action No. 7:24-CV-00040

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the August 16, 2024, Memorandum and Recommendation (“M&R”) prepared by Magistrate Judge Juan F. Alanis. (Dkt. No. 17). Judge Alanis made findings and conclusions and recommended that Plaintiff’s Opposed Motion for Remand and Request for Sanctions, (Dkt. No. 3), be denied; Defendant’s Motion to Dismiss, (Dkt. No. 7), be granted; and the case be dismissed with prejudice for failure to state a claim upon which relief may be granted.

The Parties were provided proper notice and the opportunity to object to the M&R. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). On August 28, 2024, Plaintiff filed one objection. (Dkt. No. 20). Plaintiff objects to Judge Alanis’s conclusion that Plaintiff’s Motion to Remand should be denied. (*Id.* at 1-3).

In accordance with 28 U.S.C. § 636(b)(1)(C), the Court is required to “make a de novo determination of those portions of the [magistrate judge’s] report or specified proposed findings or recommendations to which objection [has been] made.” After conducting this de novo review, the Court may “accept, reject, or modify, in whole or in

part, the findings or recommendations made by the magistrate judge." *Id.*; see also Fed. R. Civ. P. 72(b)(3).

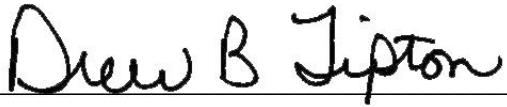
The Court has carefully considered de novo those portions of the M&R to which objection was made, and reviewed the remaining proposed findings, conclusions, and recommendations for plain error. Finding no error, the Court accepts the M&R and adopts it as the opinion of the Court.

It is therefore ordered that: Judge Alanis's M&R, (Dkt. No. 17), is **ACCEPTED** and **ADOPTED** in its entirety as the holding of the Court; and

- (1) Plaintiff's Opposed Motion for Remand and Request for Sanctions, (Dkt. No. 3), is **DENIED**; and
- (2) Defendant's Motion to Dismiss, (Dkt. No. 7), is **GRANTED**.

It is SO ORDERED.

Signed on September 5, 2024.



DREW B. TIPTON
UNITED STATES DISTRICT JUDGE